

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JERMEAL WHITE,	:	Case No. 1:19-cv-33
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
MICHAEL DILLOW, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 29)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and on January 28, 2020, submitted a Report and Recommendation. (Doc. 29). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation (Doc. 29) should be and is hereby **ADOPTED** in its entirety.

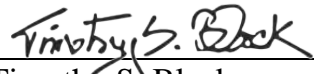
Accordingly, for the reasons stated above:

- 1) The Interested Party State of Ohio's motion to dismiss (Doc. 15) is **GRANTED**;
- 2) Plaintiff's claims against the "Correctional Officers" are **DISMISSED**; and

- 3) Defendant Dillow's motion for judgment on the pleadings (Doc. 18) is **GRANTED in part** so as to dismiss Plaintiff's claims against Defendant Dillow in his official capacity; and
- 4) Defendant Dillow's motion for judgment on the pleadings (Doc. 18) is **DENIED in part** as to Plaintiff's claim against Defendant Dillow, in his individual capacity, for excessive use of force in violation of the Eighth Amendment, which claim may proceed.

IT IS SO ORDERED.

Date: 2/21/2020



Timothy S. Black
United States District Judge